

91<sup>st</sup> Legislative Session – 2016

Committee: House Local Government

Tuesday, February 09, 2016

P - Present  
E - Excused  
A - Absent

Roll Call

P Brunner  
P Craig  
P Greenfield (Lana)  
P Hawks  
P Heinemann (Leslie)  
P Marty  
P Qualm  
P Rozum  
P Schoenfish  
P Soli  
P Tulson  
P Otten (Herman), Vice-Chair  
P Conzet, Chair

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Representative Kristin Conzet.

MOTION: TO APPROVE THE MINUTES OF FEBRUARY 4, 2016 MEETING

Moved by: Hawks  
Second by: Rozum  
Action: Prevailed by voice vote.

HB 1108: revise certain municipal special assessment provisions and to provide for exclusion of territory from municipalities.

Presented by: Representative Rozum  
Proponents: Yvonne Taylor, SD Municipal League

MOTION: DO PASS HB 1108

Moved by: Soli  
Second by: Hawks  
Action: Prevailed by roll call vote. (13-0-0-0)

Voting Yes: Brunner, Craig, Greenfield (Lana), Hawks, Heinemann (Leslie), Marty, Qualm, Rozum, Schoenfish, Soli, Tulson, Otten (Herman), Conzet

MOTION: PLACE HB 1108 ON CONSENT CALENDAR

Moved by: Hawks  
Second by: Greenfield (Lana)  
Action: Prevailed by voice vote.

HB 1117: repeal certain provisions concerning the authorization for the use of other languages in public records or public meetings.

Presented by: Representative Munsterman (Handouts: #1 and #2)  
Proponents: Yvonne Taylor, SD Municipal League

MOTION: DO PASS HB 1117

Moved by: Schoenfish  
Second by: Marty  
Action: Prevailed by roll call vote. (13-0-0-0)

Voting Yes: Brunner, Craig, Greenfield (Lana), Hawks, Heinemann (Leslie), Marty, Qualm, Rozum, Schoenfish, Soli, Tulson, Otten (Herman), Conzet

MOTION: PLACE HB 1117 ON CONSENT CALENDAR

Moved by: Greenfield (Lana)  
Second by: Hawks  
Action: Prevailed by voice vote.

HB 1119: revise the criteria for incorporation of a new municipality.

Presented by: Representative Brunner  
Proponents: Robert Heidgerken, Meade County Commissioner  
Yvonne Taylor, SD Municipal League  
Bob Wilcox, South Dakota Association of County Commissioners

MOTION: AMEND HB 1119

1119ya

On the printed bill, delete everything after the enacting clause and insert:

" Section 1. That § 9-3-1 be amended to read:

9-3-1. ~~No municipality shall be incorporated which contains less than one hundred legal residents or less than thirty voters.~~ A municipality may not be incorporated unless it contains as least one hundred legal residents and at least forty-five registered voters. For the purposes of this section, a person is a legal resident in the proposed municipality if the person actually lives in the proposed municipality for at least ninety days or is an active duty member of the armed forces whose home of record is within the proposed municipality.

Section 2. That § 9-3-1.1 be amended to read:

9-3-1.1. ~~No~~ A municipality may not be incorporated if any part of such proposed municipality lies within three miles of any point on the perimeter of the corporate limits of any incorporated municipality, unless the incorporated municipality refuses or fails to annex a territory which is contiguous to said incorporated municipality, and said contiguous territory has properly petitioned said municipality to be annexed thereto, as provided by § 9-4-1. However, a proposed municipality may be incorporated that is within three miles of an incorporated municipality if the territory to be incorporated is in a different county and has a post office prior to incorporation.

Section 3. That § 9-3-2 be amended to read:

9-3-2. Persons making application for the organization of a proposed municipality shall first cause an accurate survey and map to be made of the territory intended to be embraced within the limits of ~~such~~ the proposed municipality showing the boundaries and area thereof and the accuracy of which shall be verified by the affidavit of the surveyor.

Section 4. That § 9-3-3 be amended to read:

9-3-3. Any person making application for the organization of a proposed municipality shall cause an accurate census to be taken of the landowners and the legal resident population of the proposed municipality not more than thirty days previous to the time of presenting the application to the board of county commissioners. The census shall exhibit the name of each landowner and ~~person~~ legal resident residing in the proposed municipality and the number of persons belonging to each family as of a certain date. The census shall be verified by the affidavit of the person taking the census.

Section 5. That § 9-3-4 be amended to read:

9-3-4. Such survey, map, and census when completed and verified shall be left at some convenient place within ~~such territory~~ the proposed municipality for a period of not less than thirty days for examination by those having an interest in such application.

Section 6. That § 9-3-5 be amended to read:

9-3-5. The application for incorporation of a proposed municipality shall be by a petition verified by the circulator and signed by not less than twenty-five percent of the qualified voters who are either registered voters in the proposed municipality or landowners in the proposed municipality who are also registered voters of this state. The application shall identify the type of government to be formed, the number of trustees, commissioners, or wards in the proposed municipality, the boundaries and area according to the survey, and the legal resident population according to the census taken. The application shall be presented at the time indicated in the notice of the application or as soon thereafter as the board of county commissioners can receive and consider the application."

Moved by: Otten (Herman)  
Second by: Soli  
Action: Prevailed by voice vote.

MOTION: DO PASS HB 1119 AS AMENDED

Moved by: Otten (Herman)  
Second by: Heinemann (Leslie)  
Action: Prevailed by roll call vote. (13-0-0-0)

Voting Yes: Brunner, Craig, Greenfield (Lana), Hawks, Heinemann (Leslie), Marty, Qualm, Rozum, Schoenfish, Soli, Tulson, Otten (Herman), Conzet

HB 1127: revise certain provisions concerning road districts.

THE CHAIR DEFERRED HB 1127 UNTIL THURSDAY, FEBRUARY 11, 2016

HB 1131: direct certain vehicle registration fees to counties with unorganized territory.

THE CHAIR DEFERRED HB 1131 UNTIL THURSDAY, FEBRUARY 11, 2016

MOTION: ADJOURN

Moved by: Hawks

Second by: Heinemann (Leslie)  
Action: Prevailed by voice vote.

Shirley Ellwein  
Committee Secretary

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Kristin A. Conzet, Chair